

Memorandum



Development Services

DATE: July 8, 2003

TO: Whom it may concern

FROM: Fred Brittingham, AICP

SUBJECT: **Executive Summary for Code Rewrite**

HISTORY:

Since early 2001, city staff, a consultant, (OTAK) and a Citizen's Advisory Committee (CAC) have been working to prepare a draft of a new Zoning and Development Code (currently known as the zoning ordinance). These codes establish the standards for buildings and their uses within a community. For example, codes define how tall and how close a building may be to an adjacent building or the street. They also determine what uses a building may contain. Commercial, residential, office and industrial uses are all defined and regulated in the code. Codes also contain standards for signs, landscaping and parking.

The current code was enacted in 1976 and was designed to accommodate typical suburban growth. Today, the City of Tempe has very little vacant land left for development. Future growth in the community will occur through revitalization and reinvestment in the existing supply of buildings, both residential and non-residential. Redevelopment of under utilized land and buildings will also occur. Tempe's existing code is not designed to accommodate such growth and it is time to update the regulations.

The new draft preliminary code was created with input from many people through focus groups, interviews, presentations and case studies. The CAC was comprised of Tempe citizens, design professionals, landowners and developers to serve as a sounding board for ideas and issues identified in the initial research on development of the code. The CAC also provided input and suggestions on the formation of the proposed code. To date over 300 people have been involved in creating the Draft Preliminary Zoning and Development Code.

EXECUTIVE SUMMARY OF PROPOSED CODE:

The following list is not intended to be a complete list of every proposed change in the draft code. It is a list of what has been identified as *potentially* significant changes in the proposed code. The Executive Summary was developed through our work with the Citizens Advisory Committee, public, staff and consultants. We intend to update the list as the document goes through the public outreach and public hearings. The outreach schedule is provided at the end of the Executive Summary. Please keep in mind that *everything in the document is a proposed change*:

- The document has been reformatted. It should be easier to follow how a project would be processed, what applications are required and what hearings are necessary. We have included charts that detail what uses are allowed by zoning district, regulatory standards and processing options.

- Expand the authority of the Planning and Zoning Commission to give them approval authority for certain projects. This could expedite processing. Their decisions would be appealed to the Council thus retaining citizens' ability to have multiple hearings if they are concerned about a project.
- Expand the authority of the Hearing Officer (HO). Currently, any case scheduled for the HO that receives protest must be forwarded to the Board of Adjustment for resolution. Under the new ordinance, the HO could hear and decide the case and any one aggrieved by the decision could appeal to the Board of Adjustment. This could also expedite cases and still preserve the public's right to influence decisions. Given the expanded authority of the HO, planning staff will still process the cases but the City Attorney or her/his designee will serve as the HO.
- Expand the Design Review staff's authority to approve expansions and modifications to existing buildings. Currently they can approve up to 1,000 square foot expansions. We are proposing that they can approve up to 5,000 square foot expansions. The Design Review Board supports this concept.
- The Redevelopment Review Commission (RRC) has been created under our current ordinance and will be carried over to the new ordinance.
- We are consolidating the CCR, C-1 and C-2 zoning districts into one district, Commercial Shopping and Services (CSS). This new district will blend the allowed uses and the standards in each. Of special note is that the C-2 district currently doesn't allow any uses w/o a use permit. Now they will have a list of allowed uses that are compatible with the other commercial districts. The CSS will help level the playing field for owners of land with the existing zonings and make them more competitive with other cities.
- The proposed code would rename the Industrial Buffer District to Office Buffer District (OBD). It would more accurately reflect its intended purpose but would retain its currently allowed uses and standards. It would also rename the I-1 Light Industrial and I-2 General Industrial Districts and consolidate them into one district, the Light Industrial District (LID). These districts allow the same uses today but have slightly different standards. We would utilize the development standards in the current I-2 zoning to create standards that would allow more flexibility in developing these sites. It also renames the I-3 Heavy Industrial District to Heavy Industrial District (HID) but retains its current uses and standards.
- We are also proposing that most shopping centers can add residential to their mix of uses. This would require a use permit with appropriate public hearings. We believe this can help revitalize some of our aging centers and create a stronger economic base.
- The R-5 zoning district has been created. This is a higher density multi-family district, 30 units to the acre, than we have available today. Any project that would want the R-5 district would need to go through the appropriate public hearing process.
- There is an additional Mixed Use (MU) zoning category to fill the gap between MU-2 and MG. The MG is renamed MU-4 and the new category is the MU-3. Also, we are eliminating an additional processing step for the MG/MU-4 category that is currently required.
- Staff and the consultant have delayed the Pedestrian Overlay District (POD) to allow us the opportunity to continue discussions with citizens, property owners and developers about the

proposed standards in the POD. We anticipate the POD will be completed shortly after the code and can be added to it as an amendment.

- The document proposes to modify some of the setbacks in several districts. This was done for two reasons. One was to reflect where we have routinely granted variances to our standards in the past and in effect created a new standard. Second, was to allow more creative site designs for commercial properties that will develop or redevelop in the future.
- Created the Accessory Dwelling Unit (ADU). These would be allowed in multi-family zoned areas where there is an existing house. Subject to a use permit the owner could add the ADU. The ADU doesn't count toward density but is limited in size. The idea is to try this concept in these areas and then we can expand it to other zoning districts if it works.
- We have created a new definition of family that does two things. First, it recognizes our current interpretation that a "family" can have up to two other people living or renting rooms in the house. Second it will include "domestic partners" in the definition of family. This would make the code consistent with city personnel rules and regulations. We may have a modified definition of domestic partners than the personnel rules and regulations but it would only be different so we could enforce the standard and limit the potential for circumvention of the code.
- Revised the standards for Home Occupations. It would now allow one employee from outside the family. It still has all the other restrictions in the current code.
- Created a definition and standards for Live Work. This would be allowed in most zoning districts *except Industrial and Single Family*. Some districts would allow it by right. Others would require a use permit. It differs from a Home Occupation in that it allows two full time equivalent employees.
- Require an applicant to hold a Neighborhood Meeting *prior* to their public hearing to share information with and gather input from the neighbors. This applies to many applications but not all. Currently, staff strongly encourages applicants to meet with neighbors before they file or early in the process, but it is not a specific ordinance requirement. The proposed code formalizes that process. It requires the applicant to notify the neighbors, post a sign on the property regarding the meeting, host and prepare a summary of the meeting. Many neighbors favor it but some think it doesn't go far enough. Some developers have expressed concern that it could slow down processing of applications. We are working to allay the above concerns.
- We are retiring the Multi-Family Quality Study (QS). Its time and need seem to have passed. The QS was created to help solve an issue from 20 years ago when apartment developers were proposing projects that, while attractive, did not create a quality living environment for the tenants. Today we find that a quality living environment is provided as a competitive marketing issue. However, we have incorporated two of the standards from the QS into the new code and that has not created any concerns from the developers to date.

- The code contains parking maximums. The idea is to preclude excessive asphalt when possible especially when it isn't used in most instances. To address some concerns from developers we won't apply it until build out in multi- phase projects and it only applies to surface parking. Parking in structures and below ground is exempt.
- Deleted the requirement that shared parking (parking by demand) needs a use permit. This constraint doesn't appear to be necessary given the track record for parking by demand. Also made some small revisions to parking calculations.
- There has been a request to make lot assemblage re-plats a public hearing. To date we have not included this in the code. We believe that the assemblage is a change in lot configuration not a land use issue and thus shouldn't qualify for a public hearing. Supporters of the concept see it as a way to have a voice in redevelopment of small lots in their neighborhoods.
- Made changes to the Southwest Overlay District (SWOD). The SWOD was created when we first experienced development in that area. It was intended to create higher quality development there as it was the last large area available for development. We also used the SWOD to *protect* the Autoplex when dealers expressed a desire to locate outside its boundaries. Since the inception of the SWOD, the standards throughout the city are more uniform and consistent and the Autoplex is almost built out. Therefore, we don't see the need for the same regulations and have eliminated most of the restrictions in the SWOD. However, we are keeping the 25' height increase that all properties in the SWOD enjoy.
- Revised the ASU commute area standards and changed its name to the Bicycle Commute Area. This overlay currently requires additional bike parking for all projects near ASU and also reduces the number of RV spaces required for apartments in this area. Bike parking requirements have been adjusted throughout the city but we still need to recognize the bike traffic in and around downtown and ASU. We are proposing to keep some higher requirements in this area of town. RV parking has been deleted for all apartments throughout the city.
- The document includes a hierarchy for allowing access to public streets. It should limit the number of driveways and thus help with pedestrian design and the rail line.
- We will establish in our current ordinance and carry over to the new code that Code Compliance can use either civil or criminal complaint process to allow flexibility in gaining compliance.
- There have been requests to allow chickens and small animals as pets in single family districts. The current proposal would allow the keeping of up to 5 rabbits and similar small animals or chickens but no roosters or peafowl.
- Crime Prevention Through Environmental Design (CPTED). These city standards are no longer a Police function and have been transferred to Development Services. We have taken the CPTED standards and relocated them to the appropriate sections in the code. We have also modified several of these standards to reflect what has been approved in the past and has thus established new standards.

- The code includes a *suggested* process for Specific Area Plans (SAP). Before any formal planning would be done, a public meeting with all the private property owners in the area would be required to discuss whether a SAP is what the community wants. The SAP area would be at least 100 acres, which can include streets, alleys, parks etc. Either at the meeting or before beginning the planning work, at least 33% of the *private property owners* in the proposed SAP area would sign a letter indicating that they support the idea of a SAP. The plan would be created and needs at least one public meeting with affected citizens in the area prior to the formal public hearing process. A SAP is considered a major amendment to the General Plan therefore it requires at least two public hearings before the appropriate commission. It also requires at least two public hearings before the City Council. The final Council hearing will be scheduled with all other General Plan major amendments at one hearing held in the month of October, at a date determined by the City Council. A SAP is a policy document. Should the planning group wish to have *regulations specific to the SAP area*, they can request an Overlay District be created to implement the SAP. The Overlay can be processed simultaneously with the SAP or after it.
- Changes to the sign standards are also in the proposed code:
 1. Allow Centers to have multi-tenant signs by right. Maximum of 4 tenants.
 2. Increase the size for menu boards from 20 square feet to 45 square feet.
 3. Centers will be allowed an additional free-standing sign when their street frontage is longer than 600'. More signs allowed for every 300' after that.
 4. Freeway oriented signs: A) Allow buildings that are within 300' of a freeway to have additional building mounted signs oriented to the freeway. This would allow the business to have sign area of 2 square feet for every 1 foot of building frontage facing the freeway *in addition to their other business signs*.
 B) Allow a free-standing sign for centers that are adjacent to freeways. Signs could be 35' high and 120 square feet in area and must be located w/in 300' of the freeway. Note: Any freestanding signs within 600 feet of the freeway right of way may require approval from ADOT in addition to city approval.
 5. Height of building mounted signs is now the same as the building. It is not limited to the height of the district.
 6. Allow portable signs and outdoor displays in the CC (downtown district) for first and second floor businesses subject to certain limitations. Note: We will begin using these standards for portable signs in the downtown now to see if this approach will work or create visual clutter.
 7. Allow Grand Opening signage for 30 days with the possibility for a 30 day extension if permanent signage has not been installed.
 8. Allow Significant Event signage once per year for 7 consecutive days.

PROCESSING SCHEDULE FOR PROPOSED CODE:

Staff will be available to attend neighborhood, civic, faith, or professional group meetings and discuss the proposed code. Please contact Fred Brittingham at 480-350-8437 to schedule a meeting. Open houses are scheduled for the following dates and locations:

Monday September 8, 6:30-8:30pm

Kyrene Middle School, 1050 E. Carver Rd., Multi Purpose Room

Tuesday September 9, 6:30-8:30pm

Laird School, 1500 N. Scovel St., Cafeteria

Wednesday September 10, 6:30-8:30pm

Tempe Library, 3500 S. Rural Rd., Program Room

The public hearing process with the Planning Commission and city Council will commence after the open houses. Please check the web site, www.tempe.gov/rewrite or call the number listed above (after September 10) for specific times and locations of the public hearings. It is anticipated that the new code will be considered by the Council in early 2004.

As noted above, we will continue to evolve this summary and include it in any correspondence about the new code.

Sincerely;

Fred Brittingham, AICP